

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.) Case No. 09-00237-01-CR-W-ODS
)
)
RONALD R. CARTER,)
)
)
Defendant.)

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND (1) DENYING DEFENDANT'S MOTION TO SUPPRESS EVIDENCE AND (2)
FINDING AS MOOT DEFENDANT'S MOTION TO SUPPRESS STATEMENTS**

On January 27, 2010, the Honorable John T. Maughmer, United States Magistrate Judge for the Western District of Missouri, issued his Report and Recommendation ("the Report") recommending that Defendant's Motion to Suppress Evidence be denied. Defendant filed a timely objection. The Court has conducted a de novo review of the Record, which includes the written arguments presented to Judge Maughmer, the transcript of the hearing before Judge Maughmer, and the evidence admitted during the hearing. The Court agrees with the Report's factual findings and legal conclusions. The Court does not agree with Defendant's argument that the police department's policies required they obtain a warrant for the SUV. More importantly, the Court does not agree that the Fourth Amendment was violated. The Motion to Suppress Evidence (Doc. # 38) is denied.

Defendant also asked that certain statements be suppressed. The Report recommends this motion (Doc. # 37) be found moot. The Government represented that it does not plan to use any of the contested statements in its case-in-chief, and the parties agreed the matter is moot. The Court also accepts the Report's recommendation in this regard.

IT IS SO ORDERED.

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT

DATE: March 2, 2010